

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHAKUR COBBS GANNAWAY,
Plaintiff,

v.

NICHOLAS STROUMBAKIS, et al.
Defendants.

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CIVIL ACTION NO. 20-CV-3573

ORDER

AND NOW, this 24th day of August, 2020, upon consideration of Shakur Cobbs Gannaway's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 3), and *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Shakur Cobbs Gannaway, #JR-6873, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Camp Hill or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Gannaway's inmate account; or (b) the average monthly balance in Gannaway's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Gannaway's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Gannaway's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Superintendent of SCI Camp Hill.

4. The Complaint is **DEEMED** filed.

5. The Clerk of Court shall **TERMINATE** Shakur D. Gannaway as a party to this case and shall **NOTE** in the docket text that “Shakur Cobbs Gannaway” is also known as “Shakur D. Gannaway.”

6. Gannaway’s Complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim for the reasons discussed in the Court’s Memorandum. Gannaway is not granted leave to file an amended complaint in this matter.¹

7. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

Eduardo C. Robreno

EDUARDO C. ROBRENO, J.

¹ Although Gannaway is not granted leave to file an amended complaint in this matter, the dismissal of the Complaint is without prejudice to him filing a petition for writ of habeas corpus in a separate matter when he has exhausted available state remedies.